

REMARKS/ARGUMENTS

Claims 35-60 and 65-71 are pending in the present application, claims 61-64 having been canceled by this amendment. Claims 35-44, 46-60, and 68-71 are allowed or indicated allowable, leaving claims 45 and 65-67 at issue. Applicants have elected to rewrite allowable claims 47, 49, and 52 in independent form. In addition, claim 35 has been amended to be consistent with the specification.

Applicants respectfully traverse the rejection of claims 45 and 65 as obvious over Long et al. in view of Mulawski or the Japanese reference. Applicants further traverse the rejection of claims 66 and 67 as obvious over Long et al. in view of either Mulawski or the Japanese reference, and/or Kouwenberg et al.

Claim 45, as amended, specifies, in part, first and second container portions permanently joined together "at rims of the container portions" to define a sealed cavity "extending from the rims toward a base of the container" and "a joined section spaced from the rims of the container portions that joins the first and second container portions and wherein the joined section ruptures in response to the pressure increase in the sealed cavity to limit pressure in the cavity." There is no disclosure or suggestion in the cited references of a sealed cavity extending from rims of container portions toward a base of the container in combination with a joined section spaced from the rims that ruptures in response to pressure increase, as recited by claim 45. One advantage of a joined section spaced from container rims in a container having a cavity extending from the rims toward a container base is that the joined section may prevent an inversion of an inner container portion from occurring, as seen in FIG. 5 of the present application.

Long et al. teaches a dual-walled beverage container 10, the walls of which are permanently joined only at the lip 22 of the container. An ejectable plug 33 is provided in the outer wall of the container and ejects in response to pressure increase.

Mulawski discloses a pressurized fluid container 10 having a wall portion of reduced thickness 18a, which ruptures in response to a pressure increase. In fact, Mulawski shows an inner cup securely fitted within an outer cup such that there is no side cavity between the cups.

The Japanese reference, in FIG. 4(c), discloses a frangible wall in a boiling-cooling device.

Kouwenberg et al. teaches the inclusion of the coolant carboxymethylcellulose in a cooling container.

Claim 65, and thus claims 66 and 67 dependent thereon, recite in pertinent part an "unobstructed opening in the outer container portion." There is no suggestion in the cited art of an unobstructed opening, as specified by claims 65-67. Such an unobstructed opening has an advantage of not requiring an ejectable plug or frangible wall portion.

As noted above, Long et al. includes an ejectable plug 33, Mulawski and the Japanese reference disclose a frangible wall, and Kouwenberg et al. uses carboxymethylcellulose in a cooling container.

The prior art must disclose or suggest an incentive for the claimed combination of elements in order for a *prima facie* case of obviousness to be established. *See In re Sernaker*, 217 U.S.P.Q. 1 (Fed. Cir. 1983); *Ex Parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). Because none of Long et al., Mulawski, the Japanese reference, or Kouwenberg et al. individually or in combination teach or suggest the recited joined section of claim 45 or unobstructed opening of claims 65-67, it follows that such claims are patentable thereover.

Reconsideration and allowance of the foregoing claims are respectfully requested.

Respectfully submitted,

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